

Docket No.: 10414.4

#6
10/09/03
AS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
Roland N. Walker)
)
Serial No.: 09/964,989) Art Unit
) 1775
Filed: September 26, 2001)
)
For: PROVIDING AN IMAGE ON AN ORGANIC)
PRODUCT)
)
Examiner: Abraham Bahta)

DECLARATION

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Declarant, Blaine Harris states as follows:

1. I am a citizen of the United States of America and over 21 years of age.
2. I make this declaration voluntarily and make it based upon my own personal knowledge.
3. I am the President of Speaking Roses, LLC (hereinafter "Speaking Roses"), the company currently marketing some of the embodiments of the present invention.
4. I have read and am intimately familiar with United States Patent Application number 09/964,989.

5. I have reviewed the newly amended claims.
6. Speaking Roses sells and licenses products which fall under the newly amended claims.
7. Speaking Roses sells an embodiment of the presently claimed invention.
8. It is because of the claimed features of the present invention that the sales and licensing have been so successful.
9. Taylor Corporation, which is the largest wedding card printing company in the nation with over 87% of the nation's wedding card printing business, has entered into a licensing contract to license an embodiment of the presently claimed invention.
10. GiftTree (gifttree.com), a large corporate and public web site, has also licensed an embodiment of the presently claimed invention, which it features and sells on a daily basis.
11. FTD.com also licensed an embodiment of the presently claimed invention several months ago, which it features and sells as well. This licensing contract currently generates sales of approximately seventy dozen flowers a day. Discussions are currently under way to formally license all 22,000 of FTD's licensed retail florists. On September 15-17, 2003 Speaking Roses trained all twenty of the FTD in-house sales individuals who will begin the formal individual licensing of their 22,000 stores under the Master License Agreement with FTD.
12. USA Bouquet, based in Miami, Florida has also licensed an embodiment of the presently claimed invention. USA Bouquet has offices in Atlanta and Chicago for the fulfillment of current orders. Each of these facilities has Speaking Roses' printing equipment on site. These three facilities fulfill all orders placed anywhere in the Continental United States for next day delivery.

13. Chicago-based Kennecott Brothers has also licensed an embodiment of the presently claimed invention. Kennecott Brothers services 1800 retail establishments as well as several large Super Floral groups like Jewel Osco/Albertsons. Kennecott Brothers has licensed Speaking Roses' equipment, both the printers and the engravers. Speaking Roses is currently setting up 2200 stores under the license agreement with Albertsons through the Kennecott Brothers fulfillment center in Chicago. Under separate and individual license agreements, Albertsons is planning to open 200 stores in September, 200 stores in each of October, November, and December and 1400 stores in the month of January.

14. Speaking Roses has licensed over 80 individual retail shops around the nation with the capacity to print flowers on their own premises.

15. Sam's Club, a division of Wal-Mart Corp., the largest retail corporation in the world, has licensed an embodiment of the presently claimed invention, initially going out to their Scent Express base of 30 million corporate customers.

16. Speaking Roses has entered into an agreement with Publix's 850 retail outlets to begin immediately enrolling and training each of their individual stores.

17. Speaking Roses is currently concluding agreement discussions with Golden Rose, the largest rose distributor in Canada, to make them a licensed distributor for the entire country of Canada.

18. The Zuriel group in Holland has agreed to represent Speaking Roses in the twenty-two European countries they currently service. They have 167 refrigerated trucks that are going daily to a larger market than the entire United States floral market.

19. The Regent Hotel in Anaheim, California has also licensed an embodiment of the

presently claimed invention. Regent Hotel is a large hotel group that is beginning to introduce an embodiment of the presently claimed invention to their 700 sister five-star hotels around the world to be used for special events. For instance, Regent Hotel has a \$100,000 event twice a week and has begun using Speaking Roses' flowers at these events.

20. The largest wholesalers in the nation have been approved to license an embodiment of the presently claimed invention, including Delaware Valley in the Northeast, Denver Floral Wholesale in the Northwest and through Colorado, and Mellano, who services Southern California and all of Nevada.

21. Speaking Roses has individual contracts with various other stores and corporations and is beginning to license individual "event planners" around the nation who represent the large corporate events and large wedding planners who have need on special occasion for large quantities of flowers that are personalized and customized for specific use.

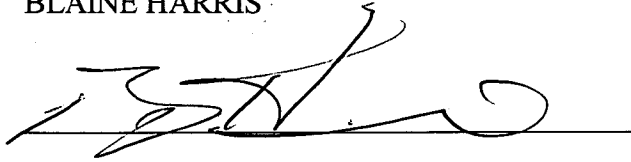
22. All of these licenses have been executed in the last five months and demonstrate that long-felt need in the industry for a printed rose that is not damaged in the printing process.

23. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED this 22 day of SEPTEMBER, 2003.

BLAINE HARRIS

A handwritten signature in dark ink, appearing to read 'Blaine Harris', is written over a horizontal line.

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